

**UNITED STATES DISTRICT COURT EASTERN DISTRICT OF
MICHIGAN SOUTHERN DIVISION**

IN RE FLINT WATER CASES
Hon. Judith E. Levy

Case No. 5:16-cv-10444

PLAINTIFFS' MOTION REQUESTING REDACTION

INTRODUCTION & BACKGROUND¹

On February 2, 2023, the parties appeared before the Honorable Judith E. Levy for a status conference to discuss various topics pertaining to the litigation. One of those topics related to private and sensitive information of certain minor Plaintiffs. As a result, the transcript (ECF No. 2357) of said conference includes the names of several minor plaintiffs and their family members in the context of a discussion regarding confidential information protected by state law.

Accordingly, Plaintiffs respectfully request that those names be redacted from the transcript to include only the individuals' initials. Specifically, the page and line where the names appear are as follows: 26:21; 27:2; 27:7; and 27:17-18.

¹ Pursuant to Local Rule 7.1(a), Plaintiffs conferred with Defendants on the subject of this motion. Defendants responded that they take no position on the requested relief.

LAW AND APPLICATION

Legal authority justifies the redaction Plaintiffs are requesting. Federal Rule of Civil Procedure 5.2(a) provides that any filing with the Court that contains the name of an individual known to be a minor “may include only . . . the minor’s initials.” *Id.* Here, Plaintiffs request that the minor’s names *and* the adult parent’s names be redacted to initials. Although redacting adult names to initials is not contemplated by Rule 5.2(a), “[e]very court has supervisory power over its own records and files.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 474 (6th Cir. 1983) (“[T]rial courts have always been afforded the power to seal their records when interests of privacy outweigh the public’s right to know.”).

Indeed, this Court has recognized that redacting certain personal information is within its discretion and supported by law, “so long as the redactions are narrowly tailored.” *In re Flint Water Cases*, No. 5:16-cv-10444-JEL-MKM, 2021 U.S. Dist. LEXIS 92709, at *43 (E.D. Mich. Apr. 21, 2021). The requested redactions are narrowly tailored; Plaintiffs seek to redact only the full names of minors and adults. And there is no compelling public interest to this information because Plaintiffs do not seek to redact any content germane to the parties’ positions or the Court’s rulings.

Finally, the context of the discussion in which the parents’ (and minors’) names were mentioned implicates great privacy concerns for those individuals

because the information discussed is regarded as highly confidential under state law.

See MCL § 722.627; *United States v. Neuhard*, No. 15-cr-20425, 2016 U.S. Dist. LEXIS 161469, at *31 (E.D. Mich. Nov. 22, 2016) (citing *Pennsylvania v. Ritchie*, 480 U.S. 39, 53-54 (1987)).

CONCLUSION

In light of the foregoing, Plaintiffs respectfully request that the Court grant the requested redaction.

Dated: March 1, 2023

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2023 I electronically filed this document with the Clerk of the Court using the ECF System, which will send notification to the ECF counsel of record. Pursuant to the Court's procedures, I additionally served a copy of this motion to the court reporter via email.

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